

Notice of Allowability

Application No.

10/764,274

Examiner

AARON W. CARTER

Applicant(s)

STEINBERG ET AL.

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed on 12/19/08 and the interview conducted on 1/26/09.
2. ☒ The allowed claim(s) is/are 2-6,8-11,13-60,62-66,69-74,76-111,113-120,122-128 and 131-166.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew V. Smith (Reg. No. 43,132) on 12/19/08.

The application has been amended as follows:

Claim 7:

Cancel claim 7.

Claim 12:

Cancel claim 12.

Claim 13:

In line 1, replace -- "12" -- with -- "19" --.

Claim 15:

In line 1, replace -- "12" -- with -- "19" --.

Claim 17:

In line 1, replace -- "12" -- with -- "23" --.

Claim 19:

In line 3, replace -- “media” -- with -- “memories” --.

Claim 22

In line 1, replace -- “12” -- with -- “19” --.

Claim 23:

In line 3, replace -- “media” -- with -- “memories” --.

Claim 24:

In line 1, replace -- “12” -- with -- “19” --.

Claim 59:

In line 3, replace -- “media” -- with -- “memories” --.

In line 26 (the last line), replace the -- “.” -- with a -- “,” -- and on the following line add the following -- “wherein the set of face classifier parameters may be subdivided into two or more subsets of face classifier parameters wherein each subset facilitates a particular step of the comparing and determining a match of said set of face classifier parameters with a previously determined known identity.” --.

Claim 61:

Cancel claim 61.

Claim 62:

In line 1, replace -- "61" -- with -- "59" --.

Claim 68:

Cancel claim 68.

Claim 69:

In line 1, replace -- "68" -- with -- "79" --.

Claim 71:

In line 1, replace -- "68" -- with -- "79" --.

Claim 73:

In line 3, replace -- "media" -- with -- "memories" --.

In line 29 (the last line), replace the -- "." -- with a -- "," -- and on the following line add the following -- "wherein the predetermined proximity threshold comprises a first threshold, and the determining by the workflow module comprises confirming whether the normalized face region associated with the new faceprint corresponds to a known identity when a geometric distance proximity is outside the first threshold and within a second threshold greater than the first threshold." --.

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Claim 75:

Cancel claim 75.

Claim 76:

In line 1, replace -- "75" -- with -- "73" --.

Claim 77:

In line 1, replace -- "75" -- with -- "73" --.

Claim 78:

In line 1, replace -- "68" -- with -- "79" --.

Claim 79:

In line 3, replace -- "media" -- with -- "memories" --.

In line 29, replace -- "the first faceprint" -- with -- "a first faceprint" --.

Claim 78:

In line 1, replace -- "68" -- with -- "79" --.

Claim 110:

In line 3, replace -- "media" -- with -- "memories" --.

In line 25 (the last line), replace the -- "." -- with a -- "," -- and on the following line add the following -- "wherein the set of face classifier parameters may be

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subdivided into two or more subsets of face classifier parameters wherein each subset facilitates a particular step of the comparing and determining a match of said set of face classifier parameters with a previously determined known identity.” --.

Claim 112:

Cancel claim 112.

Claim 113:

In line 1, replace -- “112” -- with -- “110” --.

Claim 118:

In line 2, replace -- “media” -- with -- “memories” --.

In line 24 (the last line), replace the -- “.” -- with a -- “,” -- and on the following line add the following -- “wherein the predetermined proximity threshold comprises a first threshold, and the determining by the workflow module comprises confirming whether the normalized face region associated with the new faceprint corresponds to a known identity when a geometric distance proximity is outside the first threshold and within a second threshold greater than the first threshold.” --.

Claim 121:

Cancel claim 121.

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Claim 130:

Cancel claim 130.

Claim 133:

In line 1, replace -- “130” -- with -- “139” --.

Claim 135:

In between lines 3 and 4 add the following line -- “using a processor to perform the steps of:” --.

Claim 138:

In line 1, replace -- “130” -- with -- “135” --.

Claim 139:

In between lines 3 and 4 add the following line -- “using a processor to perform the steps of:” --.

In line 24, replace -- “the first faceprint” -- with -- “a first faceprint” --.

Claim 140:

In line 1, replace -- “130” -- with -- “135” --.

Claim 160:

In line 1, replace -- “161” -- with -- “151” --.

DETAILED ACTION

1. This action is responsive to papers filed on 12/19/08.

Response to Amendment

2. In response to applicant's amendment received on 12/19/08, all requested changes to the claims have been entered. Claims 1, 67 and 129 have been cancelled.

Terminal Disclaimer

3. The terminal disclaimer filed on 12/19/08 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent application 10/764,339 has been reviewed and is accepted. The terminal disclaimer has been recorded.
4. The terminal disclaimer filed on 12/19/08 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent application 10/764,336 has been reviewed and is accepted. The terminal disclaimer has been recorded.
5. The terminal disclaimer filed on 12/19/08 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S.

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Patent application 10/763,801 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

6. Claims 2-6, 8-11, 13-60, 62-66, 69-74, 76-111, 113-120, 122-128, 131-166 are allowed.

7. The following is an examiner's statement of reasons for allowance:

The subject matter of the previously dependent claims 19, 23, 61, 75, 79, 112, 135 and 139, as found in the papers filed on 1/22/04, which were indicated, by the lack of a prior art rejection, as allowable subject matter in the office action mailed on 10/3/08, have been add to the subject matter of independent claims, including any intervening claims, and as a result all the claims are now in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON W. CARTER whose telephone number is (571)272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron W Carter/
Primary Examiner, Art Unit 2624